

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION

CENTRAL EYE ASSOCIATION, P.A.  
DBA EYE TRENDS  
*Plaintiff,*

v.

TWIN CITY FIRE INSURANCE  
COMPANY  
*Defendant.*

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CIVIL ACTION NO. 4:19-cv-4771

**NOTICE OF REMOVAL**

Defendant Twin City Fire Insurance Company (“Twin City”), pursuant to 28 U.S.C. §§ 1441 and 1446, files this Notice of Removal of the captioned action, Cause No. 2019-81063; *Central Eye Association, P.A. DBA Eye Trends v. Twin City Fire Insurance Company*; In the 151st Judicial District Court of Harris County, Texas. In support of this Notice of Removal, Twin City respectfully submits the following:

1. Central Eye Association, P.A. (“Plaintiff”) commenced the state court action by filing its Original Petition on November 7, 2019, in the 151st Judicial District Court, Harris County, Texas. Twin City was served on November 13, 2019.
2. A certified copy of the state court file is attached as Exhibit A to this Notice of Removal.
3. The Petition avers that Plaintiff is a professional service conducting business in Harris County Texas.<sup>1</sup> On information and belief, Plaintiff’s actual entity name may be Central Eye Associates, P.A. In either case, the citizenship of an unincorporated association is the citizenship state of all of its members.<sup>2</sup> Further on information and belief, the sole member of the Plaintiff

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<sup>1</sup> Petition, ¶ 1.

<sup>2</sup> *Massey v. State Farm Lloyds Ins. Co.*, 993 F.Supp. 568, 570 (S.D. Tex. 1998) (“In this case, therefore, the citizenship of State Farm Lloyds must be determined solely by the citizenship of its members, or underwriters.”).

professional association is George N. Zaibaq, O.D. It is further believed that Zaibaq is a citizen of Texas.

4. The Petition alleges that Twin City is “an insurance company that engaged in the business of insurance in the State of Texas at all times material to this action.”<sup>3</sup> In fact, Twin City is an Indiana corporation with a statutory home office located at 501 Pennsylvania Parkway, Suite 400, Indianapolis, IN 46280-0014. Twin City’s main administrative office and principal place of business is One Hartford Plaza, Hartford, CT 06155-0001.

5. Plaintiff seeks monetary relief “of more than \$100,000 but less than \$200,000.”<sup>4</sup>

6. Twin City does not admit the underlying facts as alleged by Plaintiff in the Original Petition or as summarized above. Twin City expressly denies that it has any liability to Plaintiff.

7. Twin City was served with the Petition on November 13, 2019. This Notice of Removal is filed within 30 days of service of the Original Petition and is timely filed pursuant to 28 U.S.C. § 1446(b).

### **DIVERSITY JURISDICTION**

8. This Court has original jurisdiction pursuant to 28 U.S.C. § 1332(a), and this matter is removable to this Court pursuant to 28 U.S.C. § 1441(a), because there is complete diversity of citizenship between the parties and the amount in controversy exceeds \$75,000 exclusive of interest and costs. On information and belief, Plaintiff is a professional association whose sole member is a Texas resident of Texas. Twin City is incorporated in Indiana with its principal place of business in Hartford, Connecticut.

9. The amount in controversy exceeds the jurisdictional minimum of \$75,000 set by 28 U.S.C. § 1332(a). Plaintiff affirmatively asserts damages greater than \$75,000.

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<sup>3</sup> Petition at ¶ 2.

<sup>4</sup> Petition ¶ 4.

### **REMOVAL PROCEDURE**

10. The clerk of the 151<sup>st</sup> Judicial District Court of Harris County, Texas has been provided notice of this Removal.

11. The following related documents are attached to this notice and incorporated here by reference:

- a. Index of matters being filed;
- b. List of all parties and counsel of record; and
- c. Certified copies of documents contained in the state court file from the 151<sup>st</sup> Judicial District of Harris County, Texas are attached as Exhibit A.

### **CONCLUSION**

12. Based on the foregoing, the exhibits submitted in support of this removal, and other documents filed contemporaneously with this Notice of Removal, Twin City removes this case to this Court for trial and final determination.

Respectfully submitted,

/s/ Martin R. Sadler

Martin R. Sadler

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**CERTIFICATE OF SERVICE**

I hereby certify that on this the 9th day of December 2019, a copy of the foregoing has been served upon all counsel of record in this action by ECF Filing and/or facsimile, properly addressed to:

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/s/ Martin R. Sadler  
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